HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.24399 OF 1995

Between:

J. Lingam

… Petitioner

AND

Depot Manager, APSRTC, Uppal Depot,
R.R. District and another

… Respondents

:: O R D E R ::

Counsel for the petitioner : Shri V. Srinivas

Counsel for the respondents : Shri V.T.M. Prasad

March 28, 2007

In this petition filed under Article 226 of the Constitution of India, the petitioner has prayed for quashing the action of Depot Manager, Andhra Pradesh State Road Transport Corporation, Uppal Depot, Ranga Reddy District (respondent No.1) to reduce the subsistence allowance payable to him during the pendency of the enquiry.

A perusal of the record shows that the petitioner was appointed in the services of the Andhra Pradesh State Road Transport

Corporation as Driver. On 28-12-1994, the bus driven by the petitioner met with an accident, as a result of which, one person was killed and others were injured. A case under

Section 304-A read with Section 337 IPC was registered against the petitioner. Simultaneously, a departmental enquiry was instituted against him. He challenged the same in Writ Petition No.7249 of 1995, which was finally disposed of on 3-7-1995 with a direction to the respondents not to continue the departmental enquiry till the finalisation of the criminal case.

As a sequel to the above, subsistence allowance payable to the petitioner was reduced in the first instance from 50% to 25% and then to 10%.

Shri V. Srinivas, learned counsel for the petitioner gave out that while admitting the writ petition, this Court stayed the action impugned in the writ petition and pursuant to the interim order passed by the Court, his client was paid subsistence allowance at the rate of 50%.

Shri V.T.M. Prasad, learned counsel for the respondents produced the enquiry file and stated that the suspension of the petitioner was revoked on 2-9-1996. He further stated that after completion of the enquiry, the competent authority passed the order of punishment on 4-11-1999. The relevant portions of that order read as under:

> "After giving careful consideration to your explanation to the Show Cause Notice and other evidences available on records, together with the circumstances of the case, I have come to the conclusion that the charges levelled against you stands proved, as your explanation to the Show Cause Notice of Reduction of Pay is not at all convincing and there are no valid reasons to take lenient view. Therefore, the proposed punishment is fit and proper to be imposed on you.
>
> Therefore, I hereby order that,
>
> 1. Your pay be reduced by Two (2) Incremental

Stages, for a period of Two (2) Years, which shall have the effect on your future increments.

2. Your Suspension period is treated as 'NOT ON DUTY' for all purposes.

3. Penality of Debitting Rs.1000/- (Rupees One Thousand only) towards the cost of damages caused to AP9Z-2225, from your salary in Ten (10) equal instalments".

Shri V. Srinivas says that he is not in a position to admit or deny the factum of punishment imposed on the petitioner.

In view of the above, the writ petition is disposed of as infructuous.

As a sequel to disposal of the writ petition, WPMP No.30026 of 1995 and WVMP No. 26 of 1996 are also disposed of as infructuous.

G.S.SINGHVI, CJ

March 28, 2007

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